

BEFORE THE ARIZONA STATE VETERINARY MEDICAL  
EXAMINING BOARD

IN THE MATTER OF: ) CASE No.: 22-61  
MATTHEW REED, DVM )  
HOLDER OF LICENSE NO. 7280 ) FINDINGS OF FACT,  
FOR THE PRACTICE OF VETERINARY ) CONCLUSIONS OF LAW  
MEDICINE IN THE STATE OF ARIZONA, ) AND ORDER  
RESPONDENT. )

The Arizona State Veterinary Medical Examining Board ("Board") considered this matter at its public meeting on July 20, 2022. Matthew Reed, DVM ("Respondent") appeared on his own behalf for an Informal Interview and was represented by attorney, David Stoll, that was held pursuant to the authority vested in the Board by A.R.S. § 32-2234(A). After due consideration of the evidence, the arguments and the applicable law, the Board voted to issue the following Findings of Fact, Conclusions of Law and Order ("Order").

## FINDINGS OF FACT

1. Respondent is the holder of License No. 7280 and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.

2. On October 19, 2021, "Echo," a 6 year-old female Shih Tzu was presented to Respondent to have a cyst near the tail evaluated. Respondent stated that the initial plan was to clip and clean the area, prescribe antibiotics and allow it to heal on its own. However, after shaving the area, Respondent noted the cyst was ruptured. He discussed his findings with Complainant and explained that this could be a recurring issue. It was recommended the dog be sedated and the cyst removed. Complainant agreed.

1       3. Complainant completed the hospitalization and sedation consent forms.  
2 Pre-surgical blood work and IV catheter and fluids were declined on the form.  
3 Complainant contended that he did not decline either the pre-surgical blood  
4 work or the IV catheter placement.

5       4. The dog was sedated with dexmedetomidine and buprenorphine.  
6 Respondent stated that while preparing the dog for surgery, the dog was trying  
7 to move around on the surgery table therefore propofol was administered  
8 intravenously. No IV catheter was placed nor was the dog intubated for the  
9 procedure.

10      5. An elliptical incision was made around the cyst. A radio-surgical unit –  
11 cyst was removed from the underlying tissue using metzenbaum scissors –  
12 incision was closed. The dog was administered Rimadyl 0.35mL SQ. While  
13 moving the dog into recovery, Respondent was not able to auscult a heartbeat  
14 nor was the dog breathing. CPR was started. An IV catheter was unable to be  
15 placed; the dog was intubated and a dose of epinephrine was given via the  
16 endotracheal tube. CPR efforts were unsuccessful and the dog passed away.

17      6. A necropsy was performed and did not reveal any underlying disease  
18 processes that may have predisposed the dog to death other than noting  
19 breed specific changes related to the upper respiratory changes that may  
20 have increased the risk of hypoventilation or resistance to ventilation. The dog  
21 was brachycephalic with stenotic nares, had unilateral everted laryngeal  
22 saccules, and diffuse dorsoventral flattening of the trachea.

23      7. Respondent suspected the dog had a reaction to the anesthesia. When  
24 the results of the necropsy returned, he attempted to call Complainant multiple  
25 times – his calls were not returned.

1       8. Because the dog was a high risk brachycephalic breed, the Board  
2 concluded that Respondent's conduct fell below the standard of care when  
3 he failed to intubate the dog while sedated for a surgical procedure.

## **CONCLUSIONS OF LAW**

5       9. The conduct and circumstances described in the Findings of Fact above,  
6 constitutes a violation of **A.R.S. § 32-2232 (11)** Gross negligence: failure to  
7 intubate a brachycephalic pet while sedated for a surgical procedure.

## ORDER

9 Based upon the foregoing Findings of Fact and Conclusions of Law it is  
10 **ORDERED** that Respondent's License, No. 7280 be placed on **PROBATION** for a  
11 period of one year, subject to the following terms and conditions that shall be  
12 completed within the Probationary period. These requirements include six (6)  
13 total hours of continuing education (CE) detailed below:

14       **1. IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to  
15       the Board that he has completed three (3) hours of continuing education (CE);  
16       hours earned in compliance with this order shall not be used for licensure  
17       renewal. Respondent shall satisfy these **three (3) hours by attending CE in the**  
18       **area of anesthesia.** Respondent shall submit written verification of attendance  
19       to the Board for approval.

20       **2. IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to  
21       the Board that he has completed three (3) hours of continuing education (CE);  
22       hours earned in compliance with this order shall not be used for licensure  
23       renewal. Respondent shall satisfy these **three (3) hours by attending CE in the**  
24       **area of brachycephalic disease syndrome.** Respondent shall submit written  
25       verification of attendance to the Board for approval.

1       3. All continuing education to be completed for this Order shall be pre-  
2       approved by the Board. Respondent shall submit to the Board a written outline  
3       regarding how he plans to satisfy the requirements in paragraph 1 and 2 for its  
4       approval within sixty (60) days of the effective date of this Order. The outline  
5       shall include **CE course details** including, **name, provider, date(s), hours of CE to**  
6       be earned, and a **brief course summary**.

7       4. Respondent shall obey all federal, state and local laws/rules governing  
8 the practice of veterinary medicine in this state.

9 5. Respondent shall bear all costs of complying with this Order.

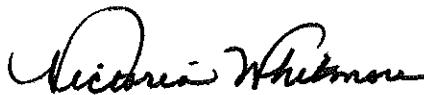
10       6. This Order is conclusive evidence of the matters described and may be  
11      considered by the Board in determining an appropriate sanction in the event a  
12      subsequent violation occurs. In the event Respondent violates any term of this  
13      Order, the Board may, after opportunity for Informal Interview or Formal  
14      Hearing, take any other appropriate disciplinary action authorized by law,  
15      including suspension or revocation of Respondent's license.

## **NOTICE OF APPEAL RIGHTS**

17        Respondent is hereby notified that he has the right to request a rehearing  
18 or review of the Order by filing a motion with the Board's Executive Director  
19 within 30 days after service of this Order. Service of the Order is effective five  
20 days after the date of mailing to Respondent. See A.R.S. § 41-1092.09. The  
21 motion must set forth legally sufficient reasons for granting a rehearing or  
22 review. A.A.C. R3-11-904. If a motion for rehearing or review is not filed, the  
23 Board's Order becomes final 35 days after it is mailed to Respondent.  
24 Respondent is further notified that failure to file a motion for rehearing or review  
25 has the effect of prohibiting judicial review of the Order, according to A.R.S. §  
41-1092.09(B) and A.R.S. § 12-904, et seq.

1 Dated this 29<sup>th</sup> day of August, 2022.

2 Arizona State Veterinary Medical Examining Board  
3 Jessica Creager, Chairperson

4 By:   
5 Victoria Whitmore, Executive Director

6

7 Original of the foregoing filed this 29<sup>th</sup> day of August, 2022  
8 with the:

9 Arizona State Veterinary  
10 Medical Examining Board  
11 1740 W. Adams St., Ste. 4600  
12 Phoenix, Arizona 85007

13 Copy of the foregoing sent by certified, return receipt mail  
14 this 29<sup>th</sup> day of August, 2022 to:

15 Matthew Reed, DVM  
16 Address on file  
17 Respondent

18 Copy of the foregoing sent by regular mail  
19 this 29<sup>th</sup> day of August, 2022 to:

20 David Stoll, Esq.  
21 Beaugureau, Hancock, Stoll and Schwartz, PC  
22 302 E. Coronado Rd  
23 Phoenix, Arizona 85004

24 By:   
25 Board Staff